

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
ACTING PRESIDING OFFICER

PUBLIC SAFETY COMMITTEE

DENNIS DUNNE,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

November 18, 2013
2:48 p.m.

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A P P E A R A N C E S:

DENNIS DUNNE
Chair

JOSEPH BELESI
Vice-Chair

DENISE FORD

MICHAEL VENDITTO

JOSEPH SCANNELL (Not Present)
Ranking

DELIA DERIGGI-WHITTON (Sitting in for Joseph Scannell)

DAVID DENENBERG

WAYNE WINK

WILLIAM J. MULLER III, Clerk

LIST OF SPEAKERS

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JOHN MARKS. 5

DAVE RICH 5

MAURICE CHALMERS. 39

EDWARD SHANK. 41

GREG STEPHANOFF 43

KAREN DOOLING 45

2 CHAIRMAN DUNNE: Welcome to the Public
3 Safety Committee. I will start by taking the
4 roll.

5 Legislator Wayne Wink?

6 LEGISLATOR WINK: Here.

7 CHAIRMAN DUNNE: Legislator David
8 Denenberg?

9 LEGISLATOR DENENBERG: Here.

10 CHAIRMAN DUNNE: Ranking Member Joseph
11 Scannell?

12 LEGISLATOR DeRIGGI-WHITTON: I'm going
13 to substitute for Joe.

14 CHAIRMAN DUNNE: Substituting for Joseph
15 Scannell, Delia DeRiggi-Whitton.

16 Legislator, The Kid, Mike Venditto?

17 LEGISLATOR VENDITTO: Here.

18 CHAIRMAN DUNNE: Legislator Denise Ford?

19 LEGISLATOR FORD: Here.

20 CHAIRMAN DUNNE: Vice Chairman Joe
21 Belesi?

22 LEGISLATOR BELESI: Here.

CHAIRMAN DUNNE: Chairman Dunne; I'm here. We have a quorum.

The first item to come before us this afternoon is Item 446-13, it's an ordinance supplemental to the annual appropriations ordinance in connection with the Traffic and Parking Violations Agency.

Whom do we have to discuss this today?

MR. MAY: We have Judge John Marks from TPVA, as well as Mr. David Rich from TPVA.

CHAIRMAN DUNNE: Judge Marks, good to see you.

JUDGE MARKS: Good afternoon. John Marks, Executive Director, Nassau County Traffic and Parking Violations Agency.

MR. RICH: Dave Rich, Deputy Director of Nassau County Traffic and Parking Violations Agency.

CHAIRMAN DUNNE: Just a brief explanation of the item.

MR. RICH: We're requesting a supplemental appropriation of \$3 million for the red light contract which is with American Traffic Solutions.

CHAIRMAN DUNNE: Any questions from any of the legislators?

(No verbal response.)

Any public comment?

Legislator Ford has a question.

LEGISLATOR FORD: Sorry about that.

CHAIRMAN DUNNE: First, Legislator Ford put the motion and Legislator Belesi seconded it.

We are ready for your question now.

LEGISLATOR FORD: Is this a continuation with the same company?

MR. RICH: Yes, it is.

LEGISLATOR FORD: And where are they located?

MR. RICH: Arizona.

LEGISLATOR FORD: And we can't get any companies closer to do this?

MR. RICH: When we issued the RFP they were -- I don't believe there are any New York companies at this time. When we issued the RFP back in 2009 they were selected as the best candidate.

LEGISLATOR FORD: And how many people responded to the RFP?

MR. RICH: At the time, I believe five organizations.

LEGISLATOR FORD: And they get -- I'm sorry about this. Then we give them \$3 million to administer the program?

MR. RICH: This is actually an additional \$3 million. When we had budgeted this for 2013 we anticipated a contract expense of \$7.3 million. Right now we're looking at roughly \$10 million.

LEGISLATOR FORD: What is the increase due to?

MR. RICH: The increase is because state legislation allowed for an additional 50 intersections to be added, so we have been adding additional cameras. With the additional cameras, we have an increase in violations, which is an increase in revenue.

LEGISLATOR FORD: We're actually, because of the red light camera funding, we're bringing in more money ourselves?

MR. RICH: Yes. What we did is we originally anticipated a gross revenue of \$30.1 million; now we're expecting about \$37.5 million.

So an additional \$7 million.

LEGISLATOR FORD: And that's not including the three million that we're paying. When you say -- is that net revenue or gross?

MR. RICH: That would be gross.

LEGISLATOR FORD: Then minus the 37.

MR. RICH: So out of that \$37 million --

LEGISLATOR FORD: Ten million goes to this company.

MR. RICH: Right.

LEGISLATOR FORD: Thank you.

CHAIRMAN DUNNE: So, in other words, for \$7 million -- for \$3 million we're getting 7.5 more million back as it stands right now.

MR. RICH: Yes.

CHAIRMAN DUNNE: Legislator Dannenberg, you had a question?

LEGISLATOR DENENBERG: Yeah. This was bid in 2009, correct?

MR. RICH: Yes.

LEGISLATOR DENENBERG: And of course we rebid it now, right?

MR. RICH: No. We acted on one of the contract amendments to add the additional three

1 years. I believe we negotiated the contract in
2 August of 2012, in which we also allowed for an
3 additional three year period. At that time we
4 did the amendment in 2012, we acted on the three
5 year additional extension.
6

7 LEGISLATOR DENENBERG: Before we
8 expanded the red light cameras by 50 there was 30
9 million revenue and we were giving this company
10 seven?

11 MR. RICH: Yes.

12 LEGISLATOR DENENBERG: And now there's
13 37 million and we're giving them ten.

14 MR. RICH: Approximately, yes.

15 LEGISLATOR DENENBERG: We're giving them
16 about 50 percent of the new money.

17 MR. RICH: Well, it's anticipated the
18 contract expense should be a little less by the
19 time we're done. We're doing this because we're
20 still rolling out additional cameras for the end
21 of the year. And with the additional cameras,
22 we're generating additional violations. We don't
23 know what the actual number will be. Again, this
24 was forecast at the end of the third quarter
25 based off of revenues and expenses. But it's

2 about 38 percent, is what we pay the company, of
3 what we take in.

4 LEGISLATOR DENENBERG: Why are we giving
5 them so much?

6 JUDGE MARKS: The original contract
7 called for an increasing amount of payment on the
8 camera. We're up to approximately \$5200 per
9 camera, per month.

10 LEGISLATOR DENENBERG: So if you don't
11 like it, don't renew it. Bid it out again.

12 JUDGE MARKS: I'm sorry?

13 LEGISLATOR DENENBERG: If you don't like
14 it, don't renew it. Bid it out again.

15 JUDGE MARKS: It was a lot more on the
16 contract. There was a cost for moving cameras, a
17 cost for this, a cost for that.

18 LEGISLATOR DENENBERG: That's not true.
19 You could rebid it. I read it. We don't have to
20 renew it.

21 JUDGE MARKS: Let me know when you're
22 finished.

23 CHAIRMAN DUNNE: He never testified that
24 he didn't like it.

25 JUDGE MARKS: I didn't say that I didn't

1 like it. What I said, we figured out we were
2 paying approximately 37 1/2 percent on the old
3 contract. We're now paying 38 percent on the new
4 contract. So it's less cost to the county. It's
5 more money because we're taking in more money.
6

7 LEGISLATOR DENENBERG: 37 1/2 percent,
8 now up to 38 percent doesn't seem like less to
9 me. And \$3.5 million on seven million doesn't
10 seem like less to me either; it sounds like 50
11 percent of new revenue for new cameras. Why any
12 of this revenue doesn't go to social service
13 agencies is beyond me.

14 JUDGE MARKS: That's a different
15 question.

16 CHAIRMAN DUNNE: That has nothing to do
17 with --

18 LEGISLATOR DENENBERG: Thank you,
19 Legislator Dunne. Let me finish my questions.
20 Okay. Sounds like we're giving 50 percent of the
21 new money to this company. No, we're not? I
22 don't know. 10 1/2 million of 37, right, we were
23 at seven million and now we're up to 10 million.
24 We're only going from 30 to 37 gross. I heard
25 your answers. Thirty million to 37 gross. But

2 this company is going from seven million to ten
3 million. It doesn't sound like we should renew
4 it at all.

5 CHAIRMAN DUNNE: Then vote that way, if
6 you'd like.

7 LEGISLATOR DENENBERG: Dennis, thanks
8 for your answers. I'm sure everyone here thinks
9 you have a great answer. They don't know what
10 you said, but it was a great answer. It was a
11 question.

12 JUDGE MARKS: I didn't understand the
13 question.

14 LEGISLATOR DENENBERG: Why are we paying
15 half of this new revenue to this company?

16 JUDGE MARKS: Because it's an increase
17 in the number of cameras. Whatever the money was
18 before was on 50 cameras, on far less money.

19 LEGISLATOR DENENBERG: It sounds like 50
20 cameras had 30 million. Now we're up to, what,
21 150 cameras?

22 JUDGE MARKS: No.

23 LEGISLATOR DENENBERG: 100 cameras?

24 JUDGE MARKS: No.

25 LEGISLATOR DENENBERG: Why don't you

1 just tell me how many cameras instead of saying
2 no?
3

4 JUDGE MARKS: We had 50 intersections
5 and it now went to 100 intersections. We don't
6 have the 100 intersections filled yet, we're
7 still working on adding those.

8 LEGISLATOR DENENBERG: According to,
9 when Legislator Ford was asking the question, we
10 were at 30 million with the 50. Now with
11 whatever we're up to, it's 37 million but we're
12 increasing what we're giving to this company from
13 seven million to ten million.

14 JUDGE MARKS: Why don't you let somebody
15 explain what the numbers were and not what you
16 interpret it.

17 CHAIRMAN DUNNE: I think you
18 misunderstood what they were saying. Please
19 restate it and Legislator Denenberg will
20 understand then.

21 MR. RICH: For the 2013 --

22 LEGISLATOR DENENBERG: Me and everyone
23 else here.

24 CHAIRMAN DUNNE: No, I think you're the
25 only one stumped on it.

LEGISLATOR DENENBERG: I doubt that
Dennis.

MR. RICH: For the 2013 year we budgeted
\$30.1 million in revenue and we had a contract
expense budgeted for \$7.3 million. With the
additional cameras being added throughout 2013
we've actually increased our projected forecast
for \$37.5 million in revenue, which we now also
will have an expected and anticipated contract
expense around \$10 million. So it's not 50
percent. A total contract expense of \$10
million. So we increased our number of cameras.

LEGISLATOR DENENBERG: What I just heard
is we increased what our revenue was going to be
from 30 million to 37 --

MR. RICH: Correct.

LEGISLATOR DENENBERG: But the company,
which was getting seven million, will now get ten
million.

MR. RICH: Again, it's an anticipated --

LEGISLATOR DENENBERG: So you're right.
Of the total, it's 10 million of 37 and before it
was seven million of 30; correct? So of the
increase, which was from 30 to 37, they got 50

percent of the increase. Dennis, do you understand that math? I can explain it to you. Seven million, right --

CHAIRMAN DUNNE: \$3 million is getting \$7.5 million in revenue. What don't you understand about that? What don't you understand about that? That's what they testified to.

LEGISLATOR DENENBERG: So we're only getting \$4.5 million of it, right? That's a huge increase in the percentage.

CHAIRMAN DUNNE: You're bouncing --

LEGISLATOR DENENBERG: Seven million of 30, which is less than 25 percent --

CHAIRMAN DUNNE: So maybe you might be able to understand what she said instead of misunderstanding --

LEGISLATOR DENENBERG: Keep talking.

CHAIRMAN DUNNE: what she said.

LEGISLATOR DENENBERG: Everyone here gets what I'm saying except for this side of the aisle.

It was seven million out of 30, correct, went to this company. Is that correct, yes or no?

2 MR. RICH: Yes.

3 LEGISLATOR DENENBERG: Okay. Now out of
4 37 they're going to get ten, correct?

5 MR. RICH: They may. This is what we're
6 actually asking for --

7 LEGISLATOR DENENBERG: I'm not voting
8 for this.

9 MR. RICH: We don't know if they're
10 going to get \$10 million. They may get less than
11 that. Right now we don't know what the --

12 LEGISLATOR DENENBERG: That's what we're
13 voting on.

14 MR. RICH: Okay.

15 LEGISLATOR DENENBERG: If we vote yes,
16 they could get ten million out of 37 when right
17 now they're getting seven out of 30.

18 MR. RICH: We're not saying that 37 is
19 the cap either. It may go up to 38 or 39 million
20 by the end of the year. We don't know what the
21 actual revenue is going to be at the end of the
22 year because we are still rolling out additional
23 cameras.

24 LEGISLATOR DENENBERG: And if it goes up
25 to 38 or -- additional cameras, right. Great.

So it's going to go to 38 or 39, maybe?

MR. RICH: It could.

LEGISLATOR DENENBERG: It could.

MR. RICH: I'm not saying it will, it could.

LEGISLATOR DENENBERG: Let's say it goes up to 39. So they're getting ten out of 39 whereas before they were getting seven out of 30. So they were getting less than 25 percent, but of the additional money they are going to get more than 40 percent.

MR. RICH: We're not asking for a contract amendment right now. What we're asking for is a supplemental appropriation to fund the operating expense of this contract. The amendment was already done last year.

LEGISLATOR DENENBERG: So we're doing this in the hopes that it might pay for itself?

MR. RICH: Correct.

LEGISLATOR DENENBERG: Sounds like it's going to pay pretty good for this company. They're going to get anywhere from almost 50 percent to at least 40 percent.

CHAIRMAN DUNNE: The county's revenue is

1 increasing.

2
3 LEGISLATOR DENENBERG: Not for what we
4 originally planned it to be.

5 CHAIRMAN DUNNE: Legislator Ford.

6 LEGISLATOR FORD: Believe it or not,
7 Legislator Denenberg, I understand what you are
8 talking about.

9 My question then would be this:
10 Obviously this company is doing soup to nuts;
11 they are doing the installation as well as the
12 monitoring, reviewing of all of the tickets, the
13 video and so forth and so forth. Is that
14 correct?

15 MR. RICH: Correct.

16 LEGISLATOR FORD: Part of the cost of --
17 and Dave does bring up something where on 30
18 million we paid them \$7.3 million based on 30
19 million in revenue, I guess. Now we're looking
20 at maybe 37 million and we're going to give them,
21 anticipating 10 million. But the 10 million that
22 you are budgeting for, does that include the cost
23 of installation of the cameras?

24 MR. RICH: There is not outlay by the
25 county. Basically the entity itself, I believe

1 they projected something like \$100,000 for each
2 camera that they install. The county doesn't
3 outlay any of the money upfront.

4
5 LEGISLATOR FORD: Okay. So part of this
6 money that you're allocating, can that be part of
7 the initial installation of some of these cameras
8 at new intersections that we may not see this
9 cost next year and we will be giving them less
10 based on just monitoring and taking care of it?

11 MR. RICH: The way the contract is, it's
12 just a percentage of the fine and penalty, 38
13 percent to be exact, and that includes the
14 installation, the monitoring, the printing, the
15 mailing, the review, repair, a lot of different
16 facets of the contract.

17 LEGISLATOR FORD: So if the gross
18 revenue comes in to 40 million, I mean, are they
19 eligible to get more than \$10 million?

20 MR. RICH: Again, 38 percent of fine and
21 penalty. So if the revenue goes up to \$40
22 million and whatever that part is fine and
23 penalty, we're paying 38 percent of that fine and
24 penalty to American Traffic Solutions.

25 LEGISLATOR FORD: Just on the fine and

1 penalties.

2
3 MR. RICH: Yes. The administrative fees
4 stay with the county and they don't get a piece
5 of that.

6 LEGISLATOR FORD: Did any of the other
7 companies from, like, five years or whatever it
8 was, did they have a lower percentage or was that
9 basically the cost, you know, of the county to
10 any of these companies, respondents. Did they
11 fall within the same percentage or was one really
12 much lower than the other?

13 MR. RICH: At the time, I can't recall.
14 I think at the time what we were doing is we were
15 doing a fixed price per camera. At the time -- I
16 think right now we probably would have been up to
17 about \$5,500 a year. So we've actually saved
18 money by renegotiating the contract. I want to
19 say we saved over two to \$3 million roughly so
20 far by going to a percentage based versus a fixed
21 camera cost.

22 LEGISLATOR FORD: How long is this
23 contract good for?

24 MR. RICH: It's another three years, I
25 guess.

CHAIRMAN DUNNE: Legislator DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: Hi. I just have a couple of questions.

Just go over the numbers again. How many cameras do we have right now?

MR. RICH: At the end of October we had 203 cameras operational.

LEGISLATOR DeRIGGI-WHITTON: And how many in addition do you plan on having with this?

MR. RICH: We don't have a finite number, but we are anticipating around 300 cameras.

LEGISLATOR DeRIGGI-WHITTON: So we're paying them the three million based on -- we're appropriating three million based on the assumption that we're going to have how many cameras, approximately, by the end of the year?

MR. RICH: By the end of the year -- I don't have that number. We're only looking at two more months right now. I know that we just -

LEGISLATOR DeRIGGI-WHITTON: So for '14 you are anticipating increasing by --

MR. RICH: To about 300 cameras, yes.

LEGISLATOR DeRIGGI-WHITTON: So that's -
- I'm trying to figure out how we're going to get
the revenue from those cameras if they're not in
yet. We're paying them -- we're anticipating
such a huge increase in revenue yet the cameras
are not in yet; is that correct?

MR. RICH: No, no. These cameras are
already installed. We started off --

LEGISLATOR DeRIGGI-WHITTON: Right. But
the total amount won't be until the end of next
year probably, right?

MR. RICH: Right. I think the way we
forecast is to the end of 2014.

LEGISLATOR DeRIGGI-WHITTON: So the
three million is going to be decided upon whether
or not all the cameras are put in and everything
else, correct? We may not hit that revenue.

MR. RICH: The three million is just for
2013 budget. We're asking to add more to the
contract otherwise we're not going to have enough
to pay the vendor through the end of this year.

LEGISLATOR DeRIGGI-WHITTON: And I just
have one other quick question. When you talked
about the percentage going to the vendor, it says

1 the fines and everything else. Is that the
2 amount we collect or is that the amount of fines
3 that go out?
4

5 MR. RICH: Oh, no. That's the actual
6 amounts collected.

7 LEGISLATOR DeRIGGI-WHITTON: Because I
8 know there was a discrepancy that we don't always
9 collect everything that we send out. So you're
10 sure that it's the amount that's collected?

11 MR. RICH: Positive. Cash in hand.

12 CHAIRMAN DUNNE: Legislator Wink.

13 LEGISLATOR WINK: Gentlemen, good
14 afternoon. When did we go from a fixed cost to a
15 percentage basis?

16 MR. RICH: I believe the legislature
17 approved it August of 2012.

18 LEGISLATOR WINK: August of 2012. Was
19 that a unanimous vote?

20 MR. RICH: I don't recall.

21 LEGISLATOR WINK: I don't think it was.
22 Here's my concern. Historically, one of the
23 benefits of fixed costs is that there is no
24 financial incentive for these companies to rig
25 cameras. When the red light camera program began

10, 15 years ago in certain areas of the country, that was a major problem, was that the timing would be altered, there would be all kinds of financial incentives to these contractors to increase the number of violations instead of being an accurate reflection of the actual violations. Now I'm concerned that we are doubling down on the fact that they are getting a percentage. And, yeah, it doesn't cost us up front because it's on what they collect. But if what they're collecting is inappropriate, then they have such an incentive to have more violations issued as opposed to less.

JUDGE MARKS: Mr. Wink, I disagree with you 100 percent, when you're talking about who has what incentive.

When the camera --

LEGISLATOR WINK: Let me ask you, Judge. Do they make more money when they issue more violations?

JUDGE MARKS: Would they make more money if they issue more violations? Yes, as the county would. Absolutely. And the county would pay the same money for a camera that's doing 100

1 or zero. So the incentive for the camera was
2 changed. When they first came into this agency
3 the cameras, the effect of the camera, the
4 program was working and many intersections were
5 going down to zero and one, and we were paying an
6 increased amount per camera. So as the program
7 that was initially approved by this legislature
8 was working, was getting better, our cost somehow
9 was going up under the old contract.
10

11 LEGISLATOR WINK: So it was having the
12 intended effect of deterring bad driving behavior
13 --

14 JUDGE MARKS: That's correct.

15 LEGISLATOR WINK: Which is what the
16 ultimate goal of this red light camera program
17 should be.

18 JUDGE MARKS: And that was happening.

19 LEGISLATOR WINK: And that was
20 happening.

21 JUDGE MARKS: Right.

22 LEGISLATOR WINK: So instead we decided
23 to go with a system to make sure we were going to
24 get our money rather than get actual compliance.
25 It's almost like telling a police officer to hand

out more violations even if he doesn't see them because we need the money.

JUDGE MARKS: That's not correct.

LEGISLATOR WINK: No?

JUDGE MARKS: No.

LEGISLATOR WINK: It's not?

JUDGE MARKS: No. An event is captured and it sent to Arizona, it's reviewed twice in Arizona. The purpose in that is to save the employees of Nassau County work. Let's take an example. If ten events are captured, so there are ten videos that have to be viewed, three of them -- one is a fire engine, one is a police car, one is an ambulance, all their lights are on, they are rejected by ATS. ATS then sends the videos back to us. We are the ones that approve and we are the ones that determine what is or is not a perceived violation.

LEGISLATOR WINK: What rate of rejection do we have? If of those ten, eight of them are not emergency vehicles and ATS sends them all to us. What percentage, on average, do we reject out of the remaining eight? Do we? Do we have records of what we reject?

JUDGE MARKS: We have records. I don't have those records currently.

LEGISLATOR WINK: I'd love to see those records.

JUDGE MARKS: Some of them include a funeral procession.

LEGISLATOR WINK: I am sure there are many legitimate reasons for people getting these photographs taken. I'm sure there are legitimate reasons -- emergency vehicles behind drivers who have to clear the intersection in order to -- there's any number of reasons why a violation technically may exist but discretion should dictate that we don't issue the violation.

My question is do we have a percentage of the violations that are issued out of Arizona that are reviewed and issued from Arizona that we in turn then reject for legitimate reasons?

JUDGE MARKS: Nothing is issued from Arizona. The photos that Arizona accepts, they send them to TPVA. Our technicians review and we determine what violations are issued. We tell them issue this, issue that. They don't tell us on an issue. The only thing we don't see from

1
2 ATS is the three events where it's obvious it
3 shouldn't be issued - a police car with its light
4 on, an ambulance, or fire truck.

5 LEGISLATOR WINK: Again, I'm going to
6 ask that you provide me with the information of
7 what percentage of the violations that are
8 accepted by Arizona are actually issued by Nassau
9 County, first.

10 Secondly, what other jurisdictions -- we
11 know Suffolk County has them, we know New York
12 City has them and has had them for a long time.
13 Do they go with a percentage or do they go with a
14 fixed cost system?

15 JUDGE MARKS: I don't know.

16 CHAIRMAN DUNNE: If you could find that
17 out and get back to Legislator Wink.

18 LEGISLATOR WINK: Yeah. I would very
19 much like to know that.

20 CHAIRMAN DUNNE: I have two
21 clarifications. One, the people do have due
22 process. They can go before a judge if they
23 believe that they are erroneously given these
24 tickets; is that correct?

25 JUDGE MARKS: Yes.

CHAIRMAN DUNNE: So a lot of this pandering is just not really applicable.

The other thing --

LEGISLATOR WINK: I object to the word pandering. I'm asking a legitimate question here.

LEGISLATOR DENENBERG: What's pandering? Asking how much of the money we give to another company is pandering?

CHAIRMAN DUNNE: You weren't recognized, Mr. Denenberg.

LEGISLATOR DENENBERG: You shouldn't be recognized. You say pandering. What's pandering? Who are we pandering to?

CHAIRMAN DUNNE: Legislator Denenberg, you are out of order, as always.

LEGISLATOR DENENBERG: Who are we pandering to, the bottom line?

So don't shoot your mouth off with stupidity.

CHAIRMAN DUNNE: Now you're really out of order.

The other thing that was implied before is that the timing on the lights may be adjusted

1 to get more revenue. If that does happen and is
2 reported to you, what happens?
3

4 JUDGE MARKS: No changes of any timing
5 of any lights except the state increased the time
6 on some of their state roads.

7 MR. RICH: The right light camera vendor
8 does not have access to any of the timing boxes
9 at all. What they do is they just connect for
10 the power to know when it does turns red. But
11 they do not have access to any of the boxes to do
12 any adjustments on timing.

13 CHAIRMAN DUNNE: Okay. So that
14 statement -- it really wasn't a statement but it
15 was an implication that it may be done.

16 Any other legislators? Legislator
17 DeRiggi-Whitton.

18 LEGISLATOR DeRIGGI-WHITTON: Can I just
19 make a statement? It seems like usually when we
20 have a contract, the more volume you deal with
21 and when the company's profit goes up from the
22 volume, the less percentage we would normally
23 pay. When you just purchase things yourself,
24 when you buy in volume and they're getting a
25 bigger profit, we would pay less. This seems

1 like backwards to me. I would think our
2 percentage that we're paying them would go down
3 with the increase of volume rather than the
4 percentage that they're getting going up.

5
6 CHAIRMAN DUNNE: Thank you.

7 LEGISLATOR DeRIGGI-WHITTON: Do you
8 agree with that? That's my question, Mr. May.

9 JUDGE MARKS: With the contract that we
10 had, if it was still in effect -- the difference
11 between the current contract and the contract
12 that we had, if it was still in effect, we're
13 better off with this contract.

14 We don't have a per-cost monthly rental
15 on cameras. We don't install cameras. If a
16 camera has to be moved, the incentive now is on
17 ATS to move that camera to a location that Nassau
18 County says do it at this location. They had no
19 incentive to do that before unless we paid them
20 \$5500 per camera to move it. That's not in this
21 contract.

22 LEGISLATOR DeRIGGI-WHITTON: So the
23 contract prior, did the county install the
24 cameras? No. So they did install the cameras in
25 the prior contract. I don't know.

1 Mr. May, as you being the one in charge
2
3 of the financial, do you find that to be the
4 correct way to do it, by increasing volume while
5 also increasing the percentage given to them?

6 MR. MAY: I'm sorry. Can you repeat the
7 question? I think you assigned to me a title
8 that I don't have.

9 LEGISLATOR DeRIGGI-WHITTON: We're
10 increasing the number of cameras.

11 MR. MAY: I'm sorry?

12 LEGISLATOR DeRIGGI-WHITTON: We're
13 increasing the number of cameras.

14 MR. MAY: Okay.

15 LEGISLATOR DeRIGGI-WHITTON: Therefore,
16 the potential of revenue is increasing.

17 MR. MAY: Okay.

18 LEGISLATOR DeRIGGI-WHITTON: Is that the
19 type that normally we would increase the
20 percentage we're giving to this company or do you
21 feel in a business mind, usually with volume the
22 percentage would go down.

23 MR. MAY: Luckily, I don't have to make
24 that decision. The amendment to this contract
25 came before you, as the legislators, and was

1 approved. I think Legislator Wink was asking
2 about that just a bit earlier. The amendment was
3 Clerk Item E-138-2012. It was voted on, by my
4 records, seven to zero, at the June 18 meeting of
5 2012, a special meeting of the Rules Committee.

6
7 LEGISLATOR DeRIGGI-WHITTON: I'm not on
8 the Rules.

9 MR. MAY: Okay. I was just pointing
10 that out.

11 LEGISLATOR DeRIGGI-WHITTON: Let's just
12 go back to that question. Don't you think that -
13 - just like commonsense. It's not making sense
14 to me that we're increasing the revenue with the
15 amount and we're also increasing the -- almost
16 every time you buy anything, you know, in bulk,
17 your percentage would go down.

18 You know what? Maybe you're right.
19 Maybe you're not the person that would have the
20 answers for this. I think it's just really poor
21 business on the county's part.

22 JUDGE MARKS: I believe the prior
23 contract, if that contract was extended to the
24 new locations, our percentage would be in the 50
25 percent range.

LEGISLATOR DENENBERG: I'm sorry. We're going down even more?

CHAIRMAN DUNNE: Legislator Denenberg, you haven't been recognized.

LEGISLATOR DENENBERG: Of course not, because it's a good question.

CHAIRMAN DUNNE: Legislator DeRiggi-Whitton has the floor.

LEGISLATOR DeRIGGI-WHITTON: I'll repeat David's question. Can you clarify that a little bit?

JUDGE MARKS: What is there to clarify? If the contract, the prior contract was in existence for these new cameras we would be paying approximately 50 percent of what we're paying now - excuse me, of the revenue and not the 38 percent. We were paying, when we did costs and included relocations, etcetera, it was approximately 37 1/2 percent from what we collected to what we paid out for each camera or for the camera program. It's cheaper for us this way.

LEGISLATOR DeRIGGI-WHITTON: Just so I feel better about this, because I hate when we

1 spend -- are you saying that this contract is
2 better because the maintenance is better and the
3 fees are less? Is that why?
4

5 MR. MAY: I think, Legislator, the issue
6 is under the original contract we had a fixed
7 cost per camera installation. Now, I mean, when
8 we're talking about -- I guess the math here --
9 and if I'm off, Legislator Denenberg could
10 certainly help me.

11 With the fixed cost issue, it costs as
12 much no matter how much revenue the camera is
13 bringing in. Now, I don't know if you've been
14 here when we had Mr. Chris Mistrion from the
15 Traffic Safety Board here testifying about the
16 red light cameras. But there is a declining rate
17 in incidences of violations, depending on the
18 intersection. So if we have an intersection that
19 has fewer red light cameras violations and you
20 have a fixed cost, that's going to eat into the
21 revenue. If it's a percentage, even if we have a
22 lower amount of violations, it's going to be a
23 lower cost per violation than in a hard fixed
24 cost.

25 LEGISLATOR DeRIGGI-WHITTON: But haven't

1 we heard today that we anticipate the revenue to
2 go up substantially?
3

4 MR. MAY: What's substantially? If
5 you're talking about a \$7 million raise on 30
6 million, is that substantial? I don't know. I
7 might think substantial is 100 percent.

8 LEGISLATOR DeRIGGI-WHITTON: That's
9 still, you know, you're talking over a 20 percent
10 increase. I don't know, Greg.

11 The point is I think we have to be real
12 careful with these kinds of contracts because it
13 seems like we're not in the driver's seat with
14 them.

15 MR. MAY: The great thing about this
16 contract is you were in the driver's seat, and
17 that the Rules Committee approved this
18 seven/nothing.

19 LEGISLATOR DeRIGGI-WHITTON: We have to
20 just watch maybe possibly going forward and talk
21 about possibly rebidding this contract. There
22 might be a better deal out there as far as when
23 we increase the revenue, we're increasing the
24 percentage; that's basically how I see it.

25 I'm done.

LEGISLATOR DENENBERG: Through the
Chair.

CHAIRMAN DUNNE: It's functioning now,
as it should be. Correct? It's already
functioning, correct?

MR. MAY: Yes.

CHAIRMAN DUNNE: And it's cheaper under
the amendment than it was under the original
contract.

MR. MAY: Correct.

CHAIRMAN DUNNE: So we're making money.

MR. MAY: Correct.

CHAIRMAN DUNNE: Okay.

LEGISLATOR DENENBERG: To the Chair.

CHAIRMAN DUNNE: Legislator Denenberg.

LEGISLATOR DENENBERG: Anything stopping
us from rebidding this? It's an Arizona company.
I understand they won a bid years ago. What
stops us from rebidding?

MR. RICH: You can rebid. But just
realize it may take a year to a year and a half.
I think it took us about two years to get all the
first phase cameras up, which was 152 cameras on
the first 50 intersections. So you have a

1 potential -- again, not saying that we couldn't
2 rebid. But realize you may have a loss then of
3 at least \$30 million, if not more, over the next
4 two year period if you want to rebid.
5

6 When and if this contract expires down
7 the road, we can probably do an RFP prior to the
8 expiration. But if we did it now we would
9 probably stand to use \$37 million over the next
10 two years.

11 LEGISLATOR DENENBERG: If we rebid two
12 years ago we'd be done. At some point -- it's an
13 Arizona company, we're giving them 50 percent or
14 almost of this increase. Personally, I wasn't on
15 Rules; I would have voted no then, I'm going to
16 vote now.

17 CHAIRMAN DUNNE: Okay. So the
18 legislators' request, from what I understand,
19 that it may be considered to be rebid by the
20 administration, that's understood.

21 Any public comment? Legislator Denise
22 Ford.

23 LEGISLATOR FORD: Legislator Dunne, I
24 would like to know that maybe because of this, I
25 think it would be worth it to have an analysis,

1 to maybe take a look at this issue again with the
2 Office of Independent Budget Review, to let us
3 know, to revisit to see whether or not it is
4 beneficial to go back to a fixed cost or to
5 continue with this current percentage.
6

7 CHAIRMAN DUNNE: I think that's a great
8 idea. Would Legislative Budget Review give us an
9 analysis?

10 MR. CHALMERS: Maurice Chalmers, Budget
11 Review. We could absolutely do that for the
12 benefit of the legislature.

13 But from the top of my head, what we know
14 of the contract, this contract gave us a better
15 financial situation than the prior one. But we
16 could put the numbers together.

17 LEGISLATOR FORD: It probably would be
18 good, before we vote on it in the Full Leg to
19 actually see in black and white. I think it
20 probably would make us feel a little bit better
21 about voting for it.

22 MR. CHALMERS: We will put that
23 together.

24 LEGISLATOR FORD: Thank you very much.

25 LEGISLATOR DENENBERG: As long as you're

1 looking at that - and someone brought up, if I
2 may Dennis --

3
4 CHAIRMAN DUNNE: Yes.

5 LEGISLATOR DENENBERG: Someone brought
6 up the deals in Suffolk or the deals in New York
7 City where red light cameras are as well. Why
8 not take a look?

9 MR. CHALMERS: WE will reach out to them
10 also and see if we can get information from
11 those.

12 LEGISLATOR DENENBERG: My point is maybe
13 we should have rebid instead of renegotiated.

14 CHAIRMAN DUNNE: And give that to the
15 Presiding Officer and then she'll distribute it
16 to the Full Leg.

17 MR. CHALMERS: We'll do that.

18 CHAIRMAN DUNNE: Thank you so much.

19 Any public comment?

20 (No verbal response.)

21 There being none; all in favor indicate
22 by saying aye.

23 (Aye.)

24 Any against?

25 (Nay.)

Three nays.

The next item is 493-13 and I'm going to also call 504-13 because they are both dealing with probation. It's an ordinance supplemental to the annual appropriations ordinance in connection with the Probation Department, that's 493. 504-13 is an ordinance supplemental to the annual appropriations ordinance in connection with the Probation Department.

Who is here to speak?

MR. SHANK: Ed Shank from the Nassau County Probation Department.

CHAIRMAN DUNNE: First we have a motion from Legislator Venditto, and seconded by Legislator Belesi.

Now, Mr. Shank. I'm sorry.

MR. SHANK: Thank you. 493 is a supplemental appropriation of \$103,200 from the Division of Criminal Justice Services with regard to the services offered to offending juveniles who do not pose a risk to public safety.

Through comprehensive coordinated services, including evidence-based family intervention, and respite housing, in lieu of

detention, the Nassau County Juvenile Justice Reform Project will decrease the detention and placement where it is not needed, match the level of services and supervision with the risk and the need level of each youth and ensure that juvenile justice services are administered fairly and efficiently.

CHAIRMAN DUNNE: And 504?

MR. SHANK: 504 is a grant of \$116,560; it is from the New York State Office of Children and Family Services. This program seeks to aid in juvenile reform by assessing risk levels and then matching that risk to the proper level of intervention needed by the juvenile.

The targeted population is youth who were alleged juvenile delinquents and youth adjudicated to be persons in need of supervision. And the services are provided by an outside agency.

CHAIRMAN DUNNE: Thank you, Mr. Shank.

Is there any legislative comment?

(No verbal response.)

Is there any public comment?

(No verbal response.)

There being none; all those in favor indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

It so passes.

MR. SHANK: Thank you.

CHAIRMAN DUNNE: Thank you.

Next item is Item 495-13, it's an ordinance supplemental to an annual appropriations ordinance in connection with the police department.

Who do we have from the police department?

SERGEANT STEPHANOFF: Good afternoon. Sergeant Greg Stephanoff.

This is our Operation Impact grant for \$472,100. This money is going to be used for overtime funding and equipment to enhance investigations and street level enforcement with the focus on reducing gun violence and residential burglaries.

CHAIRMAN DUNNE: The motion was by Legislator Belesi, seconded by Legislator Denise

Ford.

LEGISLATOR DENENBERG: Question.

CHAIRMAN DUNNE: Question. Legislator Denenberg.

LEGISLATOR DENENBERG: You said overtime funding.

SERGEANT STEPHANOFF: It's going to be part overtime and part equipment.

LEGISLATOR DENENBERG: For this program?

SERGEANT STEPHANOFF: Yes.

LEGISLATOR DENENBERG: Okay. Thank you.

CHAIRMAN DUNNE: Is there any public comment?

(No verbal response.)

There being none; all in favor signify by saying aye.

(Aye.)

Any against?

(No verbal response.)

Seven/nothing, it passes on to Finance.

The next item is Item 496-13, an ordinance supplemental to the annual appropriations ordinance in connection with the Medical Examiner's Office.

MS. DOOLING: Hi. Karen Dooling,
Medical Examiner, Forensic DNA Lab.

This is a supplemental appropriation for
a federal pass-through grant for approximately
\$19,000. It's a no match, and it will be used
for the upkeep of the laboratory information
management system and for accreditation fees.

CHAIRMAN DUNNE: Legislator Venditto
wanted to make that motion, seconded by
Legislator Denise Ford.

Any questions? Legislator Denenberg.

LEGISLATOR DENENBERG: Is this in
relation to get the crime lab back?

MS. DOOLING: The Forensic DNA
Laboratory at the Medical Examiner's has been
operational since 2003, holding accreditation, so
this particular grant no.

LEGISLATOR DENENBERG: This is just to
maintain what we've been doing as opposed to
addressing where we -- the part of the lab that
lost its accreditation.

MS. DOOLING: Yes. That's correct. A
small portion will be used for upkeep of the
laboratory information management system which

does have an overall affect on the other disciplines, including latent prints.

LEGISLATOR DENENBERG: Thanks.

CHAIRMAN DUNNE: Thank you, Karen.

Any public comment?

(No verbal response.)

There being none; all in favor indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

Seven/nothing, it goes on to Finance.

The last item is 518-13, a bond ordinance providing for capital expenditures to finance the capital projects specified herein within the County of Nassau, authorizing \$3,250,000 of bonds of the County of Nassau to finance said expenditure, and making certain determinations pursuant to the State Environmental Quality Review Act, pursuant to the Local Finance Law of New York, and the County Government Law of Nassau County.

Legislator Venditto makes the motion, seconded by Legislator Ford.

Any questions? First, who is here to speak on this?

MR. MAY: I'm sorry. Mr. Chairman, which is the item number we're up to?

CHAIRMAN DUNNE: This is 518-13.

MR. MAY: We have Mr. Rich Mallett and Ken Arnold.

CHAIRMAN DUNNE: There is an amendment in substitution of this item to correct the amount from \$3,250,000 to -- do you have the figure Mr. Arnold? The amendment is to correct it. Mr. Ken Arnold.

MR. ARNOLD: 518-13 is the bond ordinance for the crime lab project as previously reduced at the rules contract today.

CHAIRMAN DUNNE: The amendment is to fix the figure at \$40 million in bonds.

We have the motion to amend it by Denise Ford, seconded by Legislator Belesi.

Now, Mr. Arnold. It's 40 million.

MR. ARNOLD: This is the bond ordinance.

LEGISLATOR DENENBERG: For what?

MR. ARNOLD: This is the bond ordinance for the project of the crime lab, Phase 3 of the

PSE. It's for the construction and all the soft costs associated with that work.

CHAIRMAN DUNNE: Any questions from any of the legislators on the amendment? Legislator Denenberg.

LEGISLATOR DENENBERG: Why are we amending from 3.25 to 40? It was just a typo?

MR. ARNOLD: It was a typo.

LEGISLATOR DENENBERG: It's a big typo.

CHAIRMAN DUNNE: So we're just fixing the amount.

LEGISLATOR DENENBERG: And this is the bonding to fund the contract that was approved by Rules?

MR. ARNOLD: That is correct.

LEGISLATOR DENENBERG: Okay. And without this bonding that contract, we wouldn't be able to enter into it?

MR. ARNOLD: That is correct.

LEGISLATOR DENENBERG: And you think this is all we're going to need to restore the crime lab?

MR. ARNOLD: Yes.

CHAIRMAN DUNNE: Any public comment?

2 (No verbal response.)

3 On the amendment, all in favor of the
4 amendment indicate by saying aye.

5 (Aye.)

6 All in favor. It passed seven/nothing.

7 Now, on the item itself, all in favor
8 indicate by saying aye - as amended.

9 (Aye.)

10 That's seven/nothing also.

11 That concludes everything we have for
12 Public Safety.

13 I'll entertain a motion to adjourn, by
14 Legislator Venditto, seconded by Legislator
15 Belesi.

16 All in favor indicate by saying aye.

17 (Aye.)

18 We are adjourned.

19 (Whereupon, the Public Safety Committee
20 adjourned at 3:30 p.m.)

21

22

23

24

25

C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby state:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of December, 2013.

FRANK GRAY